

A Comparative Examination of the Participatory Nature of Special Educational Needs Tribunals in Northern Ireland and Wales

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1. Brief summary of what the research is about.	The overall aim of this research has been to examine the extent to which Special Education Needs tribunal hearings in both Northern Ireland and Wales are accessible, enabling and participatory, concentrating on barriers to accessibility and participation, and exploring issues which might continue to dissuade users from seeking redress through the tribunal system. In particular, it examines how the tribunal could be made more accessible for children in light of the international obligation to include children in decision making under Article 12 (2) of the United Nations Convention on the Rights of the Child. The research uses a comparative approach which compares and contrasts Special Educational Needs tribunals in Northern Ireland and Wales with the aim of identifying similarities, differences, and areas of efficient and progressive practice. The decision to examine these two distinct regions comparatively stems from their differing approaches to child participation in the

	SEN tribunal process. Wales, for example, is currently piloting an innovative right of appeal for children in Carmarthenshire and Wrexham, which will subsequently become applicable to the whole country, while Northern Ireland retains the traditional parental right to appeal only. Key findings of this research identify significant barriers to participation at SEN tribunals in both Northern Ireland and Wales and indicate a reluctance to the enablement of child participation based on concerns regarding age, capacity and the need to shield children from the process. Conclusions assert that while Wales has been innovative in legislating for a child right to appeal, legislation in isolation is insufficient to assure child participation and there is a need to challenge pervasive attitudinal issues and procedural concerns regarding the tribunals as they currently function.
2. What are the research questions?	How participatory and accessible are SEN tribunals in Northern Ireland and Wales? What are the key processes, procedures and perceptions inhibiting participative approaches? What are the perceived and actual barriers to child participation? Are children aware of their rights to participate? What does this mean to them? Does the political, parental and judicial will exist to implement innovative and expanded participatory approaches within the tribunal process? What additional legislation or support mechanisms are required to enable meaningful participation at the tribunal?
3. What, if any, outputs so far?	
4. What outputs are planned?	
5. What is the anticipated impact?	
6. Comments / additional information / requests for data or input from the broader administrative justice community	